

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY, EUROPE, AND SEVENTH ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF, PERSONNEL
UNIT 29351
APO AE 09014

10 6 OCT 1997

AEAGA-CE (690-316)

CPD Letter 316-97-04

USE OF TERM APPOINTMENTS

1. **PURPOSE:** To establish policy and procedures for filling term positions and clarify guidance previously issued in reference 1a.

2. **REFERENCES:**

a. Memorandum, HQ USAREUR, AEAGA-CE, 23 Feb 96, subject: Use of Term Appointments (enclosed).

b. 5 CFR 316.301.

3. **FILING INSTRUCTIONS:** IAW Marks instruction, file in office file numbered 690-316.

4. **GUIDANCE:**

a. Term appointments may only be made for the reasons specified in reference b. Those reasons include project work, extraordinary workload, scheduled abolishment, reorganization, or contracting out of the function, uncertainty of future funding, or the need to maintain permanent positions for placement of employees who would otherwise be displaced from other parts of the organization.

b. Managers must reference supporting documentation in the Remarks Section of the Personnel Action Request (PAR) that justifies filling the position on a term basis. This documentation will then be furnished to the CPAC as supporting evidence. It is not sufficient to have management indicate that funding is uncertain. Documentation must be provided that truly supports the non-permanent situation, i.e., a copy of the TDA indicating the position is an overhire or not on the TDA or future TDA, correspondence that shows the organization is being disestablished, reorganized etc.

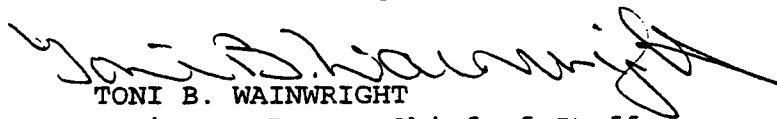
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c. Although reference b does not preclude a current term employee from receiving a second term appointment to the same position, these situations should be rare and can only be approved by OPM as a variation in accordance with 5 CFR 5.1. The reason for the continuation of the term appointment must again clearly show a non-permanent situation. If the circumstance meets the criteria for term employment, then the appropriate procedure is to request approval through this headquarters from OPM for a variation.

FOR THE DEPUTY CHIEF OF STAFF, PERSONNEL:

Encl
as


TONI B. WAINWRIGHT
Assistant Deputy Chief of Staff,
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DEPARTMENT OF THE ARMY
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UNIT 29351
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23 FEB 1996

AEAGA-CE (690-316/333/335)

MEMORANDUM FOR

Chiefs, Civilian Personnel Service Centers
Director, Civilian Personnel Operations Center

SUBJECT: Use of Term Appointments

1. References:

- a. USAREUR Regulation 690-333, 30 Jan 92.
- b. 5 CFR 333.
- c. Memorandum, HQ USAREUR, AEAGA-CE, 5 May 95, subject: Term Employment.
- d. 5 CFR 316.
- e. Memorandum, HQ USAREUR, AEAGA-CE, 27 Dec 95, subject: Revised USAREUR Regulation 690-335.
- f. Memorandum, HQ USAREUR, AEAGA-CE, 31 Mar 95, subject: Lifting of Hiring Restrictions.
- g. Memorandum, HQ USAREUR, AEAGA-CE, 30 Aug 95, subject: Filling Career Program Positions at Mandatory Referral Levels with Nonpermanent Employees.

2. Pending complete revision of reference 1a, the following interim policy is provided on the use of outside the register authority when making term appointments in USAREUR to ensure compliance with reference 1b. The policy and implementing instructions are effective for all actions submitted after the date of this memorandum.

3. Term appointments may continue to be made in situations that are appropriate for term employment in accordance with reference 1c. When a determination has been made that a term appointment is appropriate, the following procedures apply:

- a. The Personnel Action Request (PAR) will reflect that the position is to be filled on a term basis and the reason for requesting term employment will be shown in the remarks section of the PAR.

- b. The position must be announced as a "Term Vacancy" under a special announcement. The expected length of the term employment

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Reg 316.302(c)(2)] even if still within the original four-year period of the OTR term appointment.

5. During the USAREUR hiring freeze, many term appointments were made to permanent positions. Reference 1f discussed options available for current term employees to gain career/career-conditional status. As stated, there will be instances when a current term employee is not within reach for his or her own job. In such cases, the employee should be encouraged to compete for other permanent positions, if eligible.

6. In view of the above, reference 1a is changed as follows:

a. Change paragraph 7a to read: "Applications for those eligible for appointment within a referral source will be referred according to the order specified in (1) through (3) below:"

b. Change paragraph 10a to read: "Referral lists will be organized to show applicable preference categories within a given recruitment source".

c. Substitute the entire paragraph 12, MAINTAINING RECORDS, with the following: "Records of recruitment actions will be maintained by the CPOC for all serviced organizations."

d. Delete Figure 1 on page 4.

7. The following examples are provided to clarify the order of referral within the various separate recruitment sources:

a. When filling a permanent vacancy, all external applicants eligible for a permanent or indefinite appointment are referred in preference order. Applicants on referral lists will be identified as eligible for: 10% compensable veterans preference, other veterans' preference, military spouse preference, family member preference, and no preference. This category excludes VRA eligibles and 30% disabled veterans' appointment eligibles because these candidates comprise optional "non-competitive" sources. If used, they are referred separately from those candidates competing under the procedures found in reference 1a. This category also excludes non-family member veterans who have no appointment eligibility other than to term or temporary jobs. A VRA eligible who is a family member, would only be referred for a family member appointment unless the VRA source was included in the area of consideration.

b. When filling a VRA vacancy, applicants are identified as eligible for veterans' preference as follows: 10% compensable

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disabled veteran, 10 point "other" preference eligible, 5 point preference eligible, and non-preference eligible. No distinctions are made within this source based upon military spouse preference (MSP) or family member (FM) preference.

c. When filling a temporary or term vacancy, any U.S. citizen within the area of consideration may be appointed. Applicants on referral lists will be identified as eligible for 10% compensable veterans preference, other veterans preference, MSP, FM preference, and no preference.

8. When filling permanent positions, it will be necessary to screen external veteran applicants, who appear on referral lists, to determine whether or not they are also family members. If they are family members, they are eligible for appointment under Schedule A and will remain on the referral list as veterans' preference eligibles. If they are not family members, they may not be referred with the family member applicants because there is no authority to appoint them. However, non-family member applicants may apply and be considered for permanent appointments through Bulletin 40, Bulletin 52 or through the Delegated Examining Unit application procedures. In addition, veterans who are eligible for a VRA appointment or a 30% disabled veteran appointment are eligible to be referred as part of a separate source if the announcement was open to that particular source.

9. Reference 1g, which allowed the placement of term employees in career program positions, remains applicable only if the vacancy has been properly identified as a term vacancy

10. HQ USAREUR/7A POC is Mr. James A. Nee, Employment Policy Division, 370-3945.

FOR THE DEPUTY CHIEF OF STAFF, PERSONNEL:



LELAND A. GOEKE, JR.
Assistant Deputy Chief of Staff,
Personnel (Civilian Personnel)

CF:
Chief, CPSP

will be indicated in all special announcements. If the initial term vacancy is for less than four years, the appointment may be non-competitively extended up to a maximum of four years.

4. Characteristics of term employment:

a. A term appointment is a non-status appointment in the competitive service. A term appointment does not confer eligibility for conversion to a career or excepted service appointment.

b. Term appointments are made using outside the register procedures found in references 1a and 1b. A term appointment may also be made non-competitively in accordance with the procedures found in reference 1d.

c. A term appointment may be made for any length of time greater than one year and less than four years.

d. During the four-year period that begins with a new term appointment, a term employee may be promoted, demoted, reassigned, or reinstated to any position designated for term fill in accordance with reference 1e. Current term employees must supply a copy of their appointment SF-50 when applying for other term positions.

e. Current term employees who wish to apply for permanent positions must do so as external candidates and must be eligible for appointment under an authority that is included in the vacancy announcement. For example, a non-family member, non-status veteran may only apply if the announcement is open for one of the special veteran appointing authorities such as VRA.

f. A current term employee may receive a new term appointment:

(1) Under the same hiring authority: A new term appointment under the same hiring authority must begin on a date that is more than four years from the original term appointment date. Actions moving the employee to another term position, within the four-year period, are processed as reassignments, promotions, demotions, or reinstatements. For example, an employee originally appointed using outside the register (OTR) authority [C.S. Reg 316.302(b)] may not be given a new term appointment using the same authority until the original four-year period is over.

(2) Under a different hiring authority: A new term appointment under a different hiring authority will begin a new four-year period, regardless of the current term appointment's ending date. For example, an employee is given a term appointment using outside the register procedures [C.S. Reg 316.302(b)]. This employee may be given a new term appointment based upon VRA eligibility [C.S.